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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,209	04/06/2001	Peter Lichtinger	LICHTINGER-4	9695
20151 7590 10/03/2003				
HENRY M FEIEREISEN, LLC				
350 FIFTH AVENUE				
SUITE 4714				
NEW YORK, NY 10118				
EXAMINER				
HEITBRINK, TIMOTHY W				
ART UNIT		PAPER NUMBER		
1722				

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,209

Applicant(s)

LICHTINGER, PETER

Examiner

Tim Heitbrink

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 11 is/are allowed.
- 6) ☒ Claim(s) 2-9, 12-16 and 18-28 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-5, 7-10, 12-16, 20-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Yogosawa et al.

Yogosawa et al. disclose a rotary device for a horizontal injection molding machine comprising a base plate 16 supported on a machine bed, a rotary table 23 supported on the base plate for rotation about a vertical rotation axis extending through the center of gravity of the base plate, drive means 21 for rotating the rotary table and linear guide means 17 for slidably supporting the base plate. The drive means 21 driving a gear in mesh with a ring gear and the joint 36 centers and secures the center part of the rotary table where air hoses 35 provide air for blow molding and heated medium to regulate the male molds 25.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yogosawa et al.

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While Yogosawa et al. does not locate the base plate underneath the mold and provide four hydraulic release cylinders 29, changing the location of the base plate would have been obvious in light of In re Japikse, 86 USPQ 70 while supplying two additional release cylinders would have been obvious in light of St. Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8,11. Shaping the base plate to have an H shape would have been obvious in light of In re Dailey et al, 149 USPQ 47.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yogosawa et al. as applied to claims 3-5, 7-9, 12-16, 20-26 and 28 above, and further in view of Husky (Annual Report 1996).

While Yogosawa et al. does not disclose a ring bolt to allow for mold replacement, Husky (Annual Report 1996) teaches on pages 10 and 11 a ring bolt mounted to a mold platen to be conventional in order to allow for easy platen replacement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a ring bolt to the center part (platen) of Yogosawa et al. in order to allow for easy platen replacement as suggested by Husky (Annual Report 1996).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yogosawa et al. as applied to claims 3-5, 7-9, 12-16, 20-26 and 28 above, and further in view of T-Line Toggle Injection Molding Machines (Cincinnati pamphlet).

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While Yogosawa et al. does not disclose a transport bracket to allow the entire mold assembly (stack mold) to be assembled or disassembled) with ease, T-Line Toggle Injection Molding Machines (Cincinnati pamphlet) page 7, discloses a transport bracket provided on an upper side of a stack mold to be conventional in order to allow for quick mold changeovers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a transport bracket on the mold assembly of Yogosawa et al. in order to allow for quick mold changeovers as suggested by T-Line Toggle Injection Molding Machines (Cincinnati pamphlet).

Claims 10 and 11 are allowed since the prior art fails to disclose or suggest a base plate, rotary table and drive means, wherein the drive means includes a pivot pin extending downwards from the rotary table and projecting through the base plate.

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 is objected since the prior art fails to disclose or suggest dropping a molded article downwards into a free space between the legs as set forth in the claim.

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Applicant's arguments filed July 23, 2003 have been fully considered but they are not persuasive. Applicant argues the Yogasawa patent does not disclose a securement of the base plate and thus of the rotary table on the machine bed. The Examiner disagrees. While suspended from the carriage 16, the rotary table is also secured to the machine bed by way of piston cylinder assembly 17 connected to stationary side plate 38 which is secured to the bed. See Fig. 3.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 703-308-3789. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.


TIM HEITBRINK
PRIMARY EXAMINER
GROUP 130

10-1-03